

REMARKS

With this Amendment, Applicant adds new claims 23 and 24. Therefore, claims 1-24 are all the claims currently pending in the application.

Reconsideration and allowance of this application are respectfully requested.

I. Allowable Subject Matter

The Examiner indicates that claims 8, 18, 20 and 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At this time, Applicant respectfully submits that the rewriting of these claims be held in abeyance until the Examiner considers the following arguments for patentability of the rejected claims.

II. Analysis of Claim Rejection under 35 U.S.C. § 102(e)

Claims 1 and 22

Applicant respectfully submits that Izumi (USP No. 6,650,443) does not teach or suggest the last limitation of claim 1.

According to the cited part of Izumi (col. 5, lines 26-40), when the target value 533 is not reached at the A/D output even though the input voltage of the inverter 7 is set at the maximum value, the lamp 1 is lit at the maximum value of the inverter control range. The cited part continues that, instead of lighting the lamp 1 at the maximum value, the Izumi apparatus adjusts the gain control amplifier (GCA) 8 to obtain the target A/D output value 533.

Rephrasing the above description, even though the A/D output is out of the predetermined range (target value) due to a deteriorated lamp (light source), the lamp maintains

its input voltage to obtain the intended output value by, instead, having the GCA compensate the decrease of the A/D output caused by the deteriorated lamp. In comparison, however, the claim 1 apparatus does not insist on an input value (electric current) for the light source if an output value of the imaging device does not converge within the predetermined range.

The compensation devices operate in a different manner. In Izumi, if the CCD is operating in a linear region, there is no adjustment (Col. 5, lines 49-50). In the event there is an adjustment, there is a maximum control voltage range set in conjunction with a gain. Therefore, there is no electric current value for the regulating means as claimed.

Applicant respectfully submits that Izumi does not anticipate claim 1. For the same reasoning claim 22 should not be anticipated by Izumi.

Claims 14, 16, 17 and 19

Applicant respectfully submits that these claims should be patentable at least by virtue of their dependency on claim 1.

III. Analysis of Claim Rejection under 35 U.S.C. § 103(a)

Claims 2, 6 and 7

Applicant respectfully submits that these claims should be patentable at least by virtue of their dependency on claim 1.

Claims 9-11

The Examiner simply rejects claim 9 without detailing how Izumi anticipates the invention therein. The disclosure of Izumi including the cited part for claim 1 only describes an apparatus or a method for controlling illumination intensity when reading an image with 80% or

100% transmittance, but does not teach or suggest about controlling an input current value differently as in claim 9 when adjusting a position of an original.

Therefore, Applicant respectfully submits that claim 9 should be patentable without regard to its dependency on claim 1. Claims 10-11 depending on claim 9 should also be allowable.

Claims 12, 13, 15, 3, 4 and 5

Applicant respectfully submits that these claims should be patentable at least by virtue of their dependency on patentable claims.

IV. New Claims

New claim 23 is added in order to more fully cover an aspect of Applicant's invention as disclosed in the specification and to provide a more general scope of protection. Applicant respectfully requests the entrance and allowance of this new claim.

New claim 24 is added as the Examiner indicates that claim 8 would be allowable if rewritten in independent forms. Accordingly, Applicant respectfully submits this new claim which includes all of the limitations of the base claim and any intervening claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 10/081,242

ATTORNEY DOCKET NO. Q68493

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: July 19, 2006